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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,987	12/30/2003	Christopher J. Laux	28888 / 04191	6601
27874	7590	07/13/2004	EXAMINER	
CALFEE, HALTER & GRISWOLD, LLP 1110 FIFTH THIRD CENTER 21 EAST STATE STREET COLUMBUS, OH 43215-4243			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/747,987	LAUX ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark Spisich	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Staagen (USP 6,081,958). The patent to Van Staagen discloses a cleaning implement comprising a base (12), bristles (14), handle (16,18) and a pad (20) of scrub/scouring material (column 3, line 18) attachable to the base.

3. Claims 1,2,5-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by De Pamphilis (USP 4,167,796). The patent to De Pamphilis discloses a cleaning implement (10) comprising a base (14), bristles (20), handle (12) and rubbing/polishing surface (18,26) attached to a front portion of the base. See figure 2 for claim 5.

4. Claims 1,2,6-8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by White (USP 4,967,441). The patent to White discloses a cleaning implement comprising a base, bristles and a handle (20) as well as a scrubbing/scouring (26) attachment which clips on a portion of the device.

5. Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Batch (USP 5,709,003). The patent to Batch discloses a cleaning implement comprising a base (34), bristles (40), handle (14) and scrubbing member (42,44)

attachable to the body and including a curved surface (fig 3) to which a scrubbing material (44) is attached.

6. Claims 1,2 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitaker (USP Des 282,604). The patent to Whitaker discloses a cleaning implement comprising a base from which a plurality of bristles extend, a handle on a top surface of the base and a scrubbing pad attached to a front portion of the base

7. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Beiser (USP 552,462). The patent to Beiser discloses a device comprising a base (a), a cleaning surface (b) in the form of a felt pad and clips (a2) for securement to a cylindrical object. The reference to a handle is noted by but does not structurally define over the prior art.

8. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Finiels (USP 665.632). The patent to Finiels discloses an implement comprising a base, a handle (the upper portion adjacent the base), bristles which define a generally wedge shape as well as a scrubbing member (C,c) attachable to the base. See fig 2 for claim 4.

9. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris (USP 748,370). The patent to Harris discloses an implement comprising a base (B), bristles (A) and a felt material (E) attached to the base.

10. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson (USP 1,083,860). The patent to Robertson discloses an implement comprising a base (11), bristles (17) and a polishing material attached to the base and comprised of a pliable substrate (8) and a velvet cover (10).

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11. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Rix et al (USP 1,553,915). The patent to Rix discloses a device comprising a base (18,19) to which is secured a felt material (17) and which base includes clips (24) for attachment to a cylindrical object. The reference to the handle is noted but does not define over Rix.

12. Claims 1,2,4,6-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Serva (USP 1,600,070). The patent to Serva discloses a body (2) to which a plurality of bristles are secured, a handle (3) and a polishing material (7) covering a front portion of the body with a portion of the material covering a curved surface (fig 1).

13. Claims 1,4,5-7,10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisi (USP 1,633,898). The patent to Lisi discloses a base (11), bristles (13) and a polishing material comprising a pliable base (14) and a number of filaments (15) attached to the base (the point of attachment is at the front and rear portions of the base). The mounting structure to which the material (14,15) is attached includes a curved surface (fig 7).

14. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrovsky (USP 2,080,334). The patent to Petrovsky discloses (see fig 5) a base (6), bristles (12) defining a fanned or "wedge" shape, handle (7) and a felt pad (13).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5,11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over White (USP 4,967,441) in view of Lemelson (USP 3,414,928). The patent to White discloses the invention substantially as claimed with the exception of scrubbing material including a pliable substrate and fibers. The patent to Lemelson discloses such a scrubbing material including a pliable base (22) and filaments (23). It would have been obvious to one of ordinary skill to have modified the device of White as such as it is shown to be an art-recognized equivalent scrubbing material.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bose is pertinent to a secondary cleaning device attachable to a handle and Reeder to a broom with wedge shaped bristles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS